

Appendix A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
DIVISION

Jacqueline P. Perry  
versus  
KinderCare Learning Center

CIVIL ACTION NO. \_\_\_\_\_

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 United States Code, Section § 2000e-5.

2. The Plaintiff is:

Address:

County of Residence:

3. The defendant is:

Address:

☐

Check here if there are additional defendants. List them on a separate sheet of paper with their complete addresses.

4. The plaintiff has attached to this complaint a copy of the charges filed on 5-6-2017 with the Equal Opportunity Commission.

5. On the date of 5-30-2017, the plaintiff received a Notice of Right to Sue letter issued by the Equal Employment Opportunity Commission; a copy is attached.

6. Because of the plaintiff's:

- (a) ☒ race
- (b) ☐ color
- (c) ☐ sex
- (d) ☐ religion
- (e) ☐ national origin,

the defendant has:

- (a) ☐ failed to employ the plaintiff
- (b) ☒ terminated the plaintiff's employment
- (c) ☐ failed to promote the plaintiff
- (d) ☒ other:

*"Retaliated" when Plaintiff complained to Corporate Office of mistreatment. It included tinges of Racism & Violence. Corporate failed to investigate my complaints*

7. When and how the defendant has discriminated against the plaintiff:

*Between December 2016 and March 2017: I was harassed, cursed, alleging my ways were taking me to "Hell." I was humiliated in front of my co-workers, encouraging them to engage in the mistreatment. Physically grabbed by my jacket,*

8. The plaintiff requests that the defendant be ordered:

- (a) ☐ to stop discriminating against the plaintiff
- (b) ☐ to employ the plaintiff
- (c) ☐ to re-employ the plaintiff
- (d) ☐ to promote the plaintiff

*"Fired" screamed at me by Vickie Sabin and her peers at a professional workshop at Kindercare in Deer Park. All happened after my complaints to Corporate*

- (e) ☒ to Back pay Damages \$12.16 + Benefits to \$10.00 + NO Benefits.  
Pain + Suffering: Humiliation, Mental anguish + loss of employ Current  
Compensatory + Punitive Damages: (Now I would care for my ment, job  
Intentional and malicious Discrimination and that daughter!!)
- (f) ☒ the Court grant other relief, including injunctions, damages, costs and attorney's fees.

Jacqueline P. Perry  
(Signature of Plaintiff)

Address: 1822 Pleasantville Dr.  
Houston, Texas 77029

Telephone: (713) 252-5607



EEOC Form 181 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Jacqueline P. Perry**  
**1822 Pleasantville Drive**  
**Houston, TX 77029**

From: **Houston District Office**  
**Mickey Leland Building**  
**1919 Smith Street, 7th Floor**  
**Houston, TX 77002**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(e))**

EEOC Charge No.

EEOC Representative

Telephone No.

460-2017-02385

**Patricia Palacios Ware,**  
**Investigator**

(713) 651-4955

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; In other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

Enclosures(s)

On behalf of the Commission

*Mahina Guerra*  
 for **Rayford O. Irvin,**  
**District Director**

5-30-2017

(Date Mailed)

cc:

**Vickie Sabin**  
**Director**  
**KINDERCARE LEARNING CENTER**  
**3602 Fairmont Parkway**  
**Pasadena, TX 77504**

**Lowell Kelg, Executive Director**  
**TWC/Civil Rights Division**  
**101 East 15th Street, Room 144T**  
**Austin, Texas 78778**



EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
<b>Texas Workforce Commission Civil Rights Division</b>		<b>460-2017-02385</b>	
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
<b>Ms. Jacqueline P. Perry</b>		<b>(713) 252-5607</b>	<b>1958</b>
Street Address		City, State and ZIP Code	
<b>1822 Pleasantville Drive, Houston, TX 77029</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (Include Area Code)
<b>KINDERCARE LEARNING CENTER</b>		<b>500 or More</b>	<b>(281) 487-5335</b>
Street Address		City, State and ZIP Code	
<b>3602 Fairmont Pkwy, Pasadena, TX 77504</b>			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest    Latest <b>12-15-2016    03-30-2017</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I. I began my employment with this employer in January of 2016. I was a Pre K-3 Teacher. During my employment, I was subjected to harassment. My immediate supervisor was Vickie Slabin (White), Director. I complained to corporate about the harassment. I experienced various incidents with Vickie. In December of 2016, I asked, where do I go next (referring to a classroom), she replied, "to hell, if you don't change your ways." As I was signing in during the Spring Professional Day, one of the directors yelled out "fired." Vickie came out of her office saying, "only if I am." In February of 2017, I spilled ink on my work shirt and had to wear a different shirt. I had a jacket on. Vickie walked towards me, snatched my jacket open and said nothing to me. She just walked away. Vickie talked about me with other staff and she was picking on me daily. In addition, I was not given a certificate when I completed a year of employment although others received their certificate.</p> <p>II. On March 28, 2017, I was suspended pending an investigation due to a complaint from a parent. Vickie stated that the parent provided a video tape. I sent a text to her and asked to view the video tape.</p> <p>III. On March 30, 2017, I was called into the office and met with Vickie and Charlene Garza, District Manager. We viewed the video tape multiple times but it was blurry. I was discharged from my employment. This was in retaliation for my complaint to the corporate office.</p> <p>IV. I believe I was discriminated against based on my race (Black) and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

5/6/2017, Jacqueline P. Perry  
Date Charging Party Signature



PL#

213-252-5507

Jacqueline Perry

Charge# 460-2017-02385

①

FACTS

(1) I complained of Harassment to KinderCare Corporation. Initially spoke with Steven in Employment Relation + Paula. I did engage in a protective activity. Vickie took actions against me. Materially Adverse Actions: Refusal to give me my certificate of completion of 1 year of employment, discipline, firing and as a result of this, I've had to take a job with a significant reduction in salary in order to live and support a college student daughter.

Most importantly, February, 2017, I came to work with a different shirt on because I spilled ink on my shirt. (KinderCare) I had a jacket on. Vickie walked towards me, snatched my jacket open, saying nothing and walked off. Other employees wear a different shirt from time to time and nothing was ever said to the magnitude of what I experienced. I did <sup>mention</sup> ~~mention~~ the incident to Bobbie (Pre K Teacher) and



Jacqueline Perry  
Charge # 460-2017-02385

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## KINDERECARE CORPORATION

MARCH 28 2017 - Vickie took the 1-2 sec video and said a new parent was videoing their child on their bike. What parent is going to video their child for 1-2 sec. The video does not show a child riding a bike. Vickie avoided me when I asked to see it the day the parent supposedly gave it to her. She said she could not download it. Vickie was looking for an opportunity to RETALIATE against me for filing a complaint.  
(verbal)

MARCH 30, 2017 - CHARLENE GARZA, DM  
Vickie & myself were in the office. Vickie could not bring the video up on her phone or the computer. She emailed it to CHARLENE'S PHONE. I viewed it about 10 times and saw nothing inappropriate. They kept telling me to look close because it was only 1 or 2 sec. I KNEW then, NO parent did this. CHARLENE ENLARGED

CHARGE# 40-2017-02385

the video. It was blurry because Vickie was videoing through those dirty windows. But, when Charlene enlarged it, you could see me keeping a 2 year old child from getting a piece of blowing plastic and the child is having a tantrum on the cement playground and I kept him from falling on the pavement. No pulling, grabbing, yanking as they were saying I just kept a child from hurting themselves. I said SEE!! They said nothing. I wrote on the termination that this lie was a form of Retaliation. Before I left, Charlene agree that the child was having a tantrum. She also said, she did not know ~~of~~ in reference to me making complaints on Vickie.

Thank You,  
Jacqueline Perry





The University of Texas at San Antonio

College of Business  
Office of the Dean

January 26, 2017

Brandy P. Perry  
1822 Pleasantville Dr  
Houston, TX 77029-3966

Dear Brandy :

Congratulations on making the UTSA College of Business Student Dean's List by achieving a grade-point average of 3.75 or higher for the Fall 2016 semester!

Your stellar academic performance enriches the learning environment at UTSA. We appreciate your commitment to excellence in your studies.

We want to point out that your continued academic performance may qualify you for membership in Beta Gamma Sigma, the national honor society for students in business administration. Students ranking in the top 7% of the junior class, top 10% of the senior class, or top 20% of the graduate students are invited for election to membership. Beta Gamma Sigma membership is an exclusive honor available only to students at AACSB International accredited schools. The UTSA College of Business has maintained AACSB accreditation continuously since 1980.

Now or in the future, you may also qualify for the Phi Kappa Phi honor society, the nation's oldest and most selective, all-discipline honor society. Membership is by invitation only to the top 7.5% of second semester juniors and the top 10% of seniors and graduate students.

On behalf of College of Business administrators and faculty, thank you for your commitment to pursuing academic excellence. Best wishes for continued success as you proceed with your academic career.

Sincerely,

A handwritten signature in black ink that reads "Wm Gerard Sanders". The signature is written in a cursive style with a large, stylized "W" and "S".

Wm. Gerard Sanders, Ph.D.  
Dean